

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1426

By: Biggs

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to game and fish; amending 29 O.S.  
9 2011, Section 4-101, which relates to license usage;  
10 expanding information to be included during wildlife  
11 check-in; providing for electronic check-in of  
12 wildlife; modifying penalties for certain violations;  
13 requiring certain licenses to be revoked upon  
14 violation; specifying revocation period; directing  
15 the court to provide copy of judgment; defining term;  
16 and providing an effective date.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. AMENDATORY 29 O.S. 2011, Section 4-101, is  
19 amended to read as follows:

20 Section 4-101. A. All licenses and permits issued by the  
21 Director of Wildlife Conservation, the Department of Wildlife  
22 Conservation or by any of its agents shall be used only in  
23 conformity with the provisions of this title and the rules  
24 promulgated by the Oklahoma Wildlife Conservation Commission.

1 B. All persons making application for any licenses required by  
2 this section shall produce a valid license to operate a motor  
3 vehicle or other positive proof of identification, age and  
4 residency, and any such license issued shall show such data as well  
5 as the date and time of issuance.

6 C. All licenses are nontransferable. No person shall alter,  
7 change, lend or transfer any license. No person shall use or borrow  
8 a license which has not been issued to that person by the Director,  
9 the Department or by any of its agents pursuant to the provisions of  
10 this section.

11 D. No person may engage in activities requiring a license  
12 without that person's carrying such license on their person and  
13 producing the same for an inspection upon the demand of any Oklahoma  
14 citizen or game warden.

15 E. Any person required to produce a license must also identify  
16 themselves as the person to whom such license was issued, and  
17 failure or refusal to comply shall be deemed prima facie evidence of  
18 a violation of this section.

19 F. Unless otherwise provided in this Code:

20 1. Hunting licenses issued pursuant to paragraph 1 of  
21 subsection C and paragraphs 1 and 3 of subsection E of Section 4-112  
22 of this title and paragraphs 1 and 3 of subsection B of Section 4-  
23 113 of this title shall expire on December 31 of the year issued.  
24 Hunting licenses issued pursuant to paragraph 2 of subsection C and

1 paragraphs 2 and 4 of subsection E of Section 4-112 of this title  
2 and paragraphs 2 and 4 of subsection B of Section 4-113 of this  
3 title shall expire on June 30 of the fiscal year issued. All other  
4 licenses shall terminate December 31 for the year issued; and

5 2. Any person convicted of violating any of the provisions of  
6 this title may have any or all licenses held by that person or the  
7 privilege of applying for, purchasing or exercising the benefits  
8 conferred by the licenses revoked by the Department in accordance  
9 with rules promulgated by the Commission or by a court of competent  
10 jurisdiction for a period of not less than one (1) year. For  
11 purposes of this paragraph, a court conviction, a plea of guilty, a  
12 plea of nolo contendere, the imposition of a deferred or suspended  
13 sentence by a court, or forfeiture of bond shall be deemed a  
14 conviction.

15 G. Should any license or permit issued pursuant to Part 1 of  
16 Article IV of this title be lost or destroyed, duplicates will be  
17 issued by the Department at a fee of One Dollar and fifty cents  
18 (\$1.50).

19 H. Upon harvesting any whitetail or mule deer, or any other  
20 wildlife where the hunter, according to Commission rules, is  
21 required to check the wildlife in at a Department check station, the  
22 taker of the wildlife shall:

23 1. Securely attach the name of the taker, time of harvest, date  
24 of harvest and license number to the carcass of the wildlife;

1        2. ~~Transport to and check~~ Check in the carcass of the wildlife  
2 ~~at the nearest hunter~~ electronically using the online check station  
3 ~~that is open or with an authorized Department employee~~ provided on  
4 the official website of the Oklahoma Department of Wildlife  
5 Conservation or as prescribed by rule of the Commission, within  
6 twenty-four (24) hours of leaving the hunt area and in all cases  
7 prior to processing the carcass; and

8        3. Not remove evidence of the sex of the animal until after the  
9 carcass of the animal has been checked in.

10        I. It shall be unlawful for any license or permit holder to  
11 ~~knowingly~~ make a false statement or give false information to any  
12 ~~person operating an~~ authorized hunter check station or to an  
13 authorized Department employee when complying with the provisions of  
14 subsection H of this section. Information which may be collected at  
15 a Department check station shall include but not be limited to the  
16 name, address, license or permit number and signature of the taker,  
17 the date, time, county, method or weapon of the kill, sex and weight  
18 of carcass, whether or not the animal was taken on public hunting  
19 land and if so in what area, or any other information which may be  
20 required by the Commission.

21        J. 1. Any person convicted of violating the provisions of this  
22 section or of making a false statement or giving any false  
23 information in order to acquire any license or permit, pursuant to  
24 the provisions of this section, shall be punishable by a fine of not

1 less than ~~Twenty five Dollars (\$25.00)~~ Two Hundred Fifty Dollars  
2 (\$250.00) nor more than ~~One Hundred Dollars (\$100.00)~~ Seven Hundred  
3 Fifty Dollars (\$750.00), or by imprisonment in the county jail for a  
4 period not to exceed ten (10) days, or by both such fine and  
5 imprisonment.

6 2. Any hunting or fishing license issued to a person by the  
7 Department of Wildlife Conservation shall be automatically revoked  
8 upon conviction of the person of violating the provisions of this  
9 section. The revocation shall be for a period set by the court of  
10 not less than one (1) year nor more than ten (10) years. If the  
11 court does not set a period, the revocation shall be for one (1)  
12 year from the date of the conviction. During this period of  
13 revocation, the Department shall not issue the person a hunting or  
14 fishing license. If the court does not set a revocation period, the  
15 Department shall not issue that person a license within one (1) year  
16 of the conviction of the person pursuant to this section. A person  
17 who has a license or permit revoked pursuant to this section shall  
18 surrender the revoked license or permit to the court. The court  
19 shall send the Department of Wildlife Conservation the revoked  
20 license and a copy of the judgment of conviction. For purposes of  
21 this section, "conviction" shall include a plea of guilty or nolo  
22 contendere to an offense or the imposition of deferred adjudication  
23 for an offense.

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1 K. Any person who has had their license privileges revoked  
2 shall not be entitled to purchase, apply for, or exercise the  
3 benefits conferred by any license until the revocation period has  
4 expired or the person has obtained approval from the Director. Any  
5 person violating the provisions of this subsection, upon conviction,  
6 shall be punished by a fine of not more than Five Hundred Dollars  
7 (\$500.00), or by imprisonment in a county jail for a term of not  
8 more than ninety (90) days or by both the fine and imprisonment.  
9 Upon conviction under this subsection, the previously granted  
10 license revocation period shall be extended by two (2) additional  
11 years.

12 SECTION 2. This act shall become effective November 1, 2013.

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